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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,151	01/30/2001	Herbert Moncibais	1710-2000	1235

7590 06/29/2004

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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## RECEIVED

JUL 16 2004

Technology Center 2100

<b>Office Action Summary</b>	<b>Application No.</b> 09/774,151	<b>Applicant(s)</b> MONCIBAI, HERBERT	
	<b>Examiner</b> Niketa I. Patel	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/06/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "**said computer**" in lines 9, 11, 12 and 15. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson U.S. Patent Number: 6,292,838

(hereinafter referred to as "Nelson") and Baca et al. U.S.

Patent Number: 6,745,235 (hereinafter referred to as "Baca".)

7. **Referring to claims 1, 19 and 33,** Nelson teaches a system for automated configuration of access to a wide area network comprising: an application server computer comprising: an interface to said wide area network [see column 3 - lines 11 to 22]; control software for detecting the type of connection available for use by said system over said interface and for configuration use of said wide area network by one or more users [see column 5 - lines 18 to 22 and 34 to 57]; and means for storing user configuration and security information [see column 8 - lines 12 to 27]; a communications link providing a signaling pathway for said computer over said wide area network through said interface [see column 3 - lines 11 to 22] and Baca teaches

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a control center accessible by said computer over said communication link, said control center adapted to automatically detect the presence of said computer on said wide area network area it is connected to said communication link via said interface, said control center further adapted to provide automatic registration, configuration and protection of said computer so that said one or more users are able to achieve access to and use of said wide area network [see *Baca* column 8 - lines 45 to 64, column 12 - lines 33 to 48 column 13 - lines 51 to 53.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the network system of *Nelson* to have a control center further adapted to provide automatic registration, configuration and protection information in order to provide ease of access and improve service quality to customers, and revenue generation and operations savings services for network providers and service providers. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Nelson's* network system with a control center further adapted to provide automatic registration, configuration and protection information in order to provide ease of access and improve service quality to customers, and revenue generation and

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operations savings services for network providers and service providers.

8. **Referring to claims 2**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said communication link is a T1 phone line [see *Baca* column 8 - lines 45 to 64.]

9. **Referring to claim 3**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said communication link is a digital subscriber line (D.L.) [see *Baca* column 8 - lines 45 to 64.]

10. **Referring to claim 4**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said communications link is an Integrated Services Digital Network (ISDN) [see *Baca* column 8 - lines 45 to 64.]

11. **Referring to claim 5**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said communications link is a Cable wide area network connection [see *Baca* column 8 - lines 45 to 64.]

12. **Referring to claim 6**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said communications link is a wireless wide area network connection [see *Baca* column 8 - lines 45 to 64.]

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13. **Referring to claim 7**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said communications link is an analog telephone line [see *Baca* column 8 - lines 45 to 64.]

14. **Referring to claims 8, 22, 34**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said control software further comprises a firewall to protect users from unauthorized access [see *Baca* column 12 - lines 1 to 15.]

15. **Referring to claims 9, 23, 35**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said firewall further comprises a network address translator (NAT) protocol [see *Baca* column 12 - lines 1 to 15.]

16. **Referring to claims 10, 24, 36**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said control software further comprises a virus protection program [see *Baca* column 12 - lines 1 to 15.]

17. **Referring to claims 11, 25, 37**, teachings of *Nelson* as modified by teachings of *Baca* as applied above does not set forth the limitation of wherein said application server computer further comprises a means for facsimile (Fax) communications.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and

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well known in the computer art to get the advantage being able to provide users with facsimile services by using facsimile (Fax) communications. It would have been obvious to one or ordinary skill in the art at the time of applicant's invention to include facsimile (Fax) communications to get this advantage.

18. **Referring to claims 12, 13, 26, 27, 38, 39,** teachings of *Nelson* as modified by teachings of *Baca* as applied above does not set forth the limitation of wherein said application server computer further comprises means for utilizing one e-mail domain.

It would have been obvious to one or ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage being able to provide users with email services by using email domains. It would have been obvious to one or ordinary skill in the art at the time of applicant's invention to include one email domain to get this advantage.

19. **Referring to claims 14, 28, 40,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said application server computer further comprises a virtual private network which allows several computers to communicate via said wide area network [see *Nelson* column 5 - lines 52 to 57.]



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20. **Referring to claims 15, 29, 41,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said application server computer further comprises a means for caching world wide web pages to allow fast recall of previously visited web pages [see *Nelson* column 6 - lines 53 to 65.]

21. **Referring to claims 16, 30,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said application server computer further comprises means for users to connect to said wide area network simultaneously through an Internet Service Provider [see *Baca* column 12 - lines 1 to 15.]

22. **Referring to claims 17, 20,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said control center further comprises means to update said application server computer [see *Baca* column 13 - lines 51-53.]

23. **Referring to claims 18, 21,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches wherein said control center further comprises means to troubleshoot said application server computer [see *Baca* column 8 - lines 45 to 64.]

24. **Referring to claim 31,** teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising means for accepting a Global Positioning Satellite Location signal [see *Baca* column 8 - lines 45 to 64.]

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25. **Referring to claim 32**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising means for communicating said location signal to said control center [see *Baca* column 8 - lines 45 to 64.]

26. **Referring to claim 42**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising a unique identification number [see *Nelson* column 5 - lines 35-47, IP and MAC addresses.]

27. **Referring to claim 43**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising logic means for communication with a control center [see *Nelson* column 3 - lines 11 to 22.]

28. **Referring to claim 44**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising a logic means for confirming said unique identification number with said control center [see *Nelson* column 5 - lines 35-47, IP and MAC addresses.]

29. **Referring to claim 45**, teachings of *Nelson* as modified by teachings of *Baca* as applied above teaches further comprising a logic means for logging IP address of computers communicating with said program product over said wide area network [see *Nelson* column 5 - lines 35-47, IP and MAC addresses.]

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**Conclusion**

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to monitoring a network:

Carmello et al. U.S. Patent Number: 6,425,000

Danner et al. U.S. Patent Number: 6,711,618

Chrabaszcz U.S. Patent Number: 6,263,387

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
06/24/2004



JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

<b>Notice of References Cited</b>	Application/Control No. 09/774,151	Applicant(s)/Patent Under Reexamination MONCIBAIS, HERBERT	
	Examiner Niketa I. Patel	Art Unit 2182	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,745,235	06-2004	Baca et al.	709/217
	B	US-6,292,838	09-2001	Nelson, William Joseph	709/236
	C	US-6,263,387	07-2001	Chrabaszc, Michael	710/302
	D	US-6,711,618	03-2004	Danner et al.	709/228
	E	US-6,425,000	07-2002	Carmello et al.	709/217
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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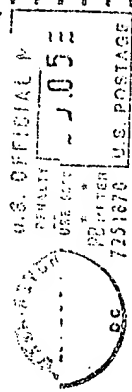
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IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

NOT DELIVERABLE  
AS ADDRESSED  
UNABLE TO FORWARD

AN EQUAL OPPORTUNITY EMPLOYER



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